



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1970 of 2021

Vanitha

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Commercial Crime Investigation Wing,
Thanjavur District.
Crime No.2/2020.

... Respondent/Complainant

For Petitioner : Mr.J.M.Hassanul Bazari,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Cr.No. 2 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 22.12.2020 for the offences punishable under Sections 408,409,471 and 477(A) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused who were working in the Co-operative societies said to have misappropriated a sum of 41,37,579/- during the period from 01.04.2017 to 14.05.2018 by creating documents as if medicines have been purchased and caused loss to the society. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is A3 working as Pharmacist in Amma Marunthagam, Kumbakonam. During her period misappropriation had taken place and during enquiry to show her bona fide she paid a sum of Rs.26,02,779/- and she is ready to pay the balance amount, hence she may be granted bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that petitioner along with other accused who were working in the Co-operative societies said to have misappropriated a sum of Rs.41,37,579/- during the period from 01.04.2017 to 14.05.2018 by creating documents as if medicines have been purchased and has also paid part amount to the society. As regards A1 and A2 they have paid a sum of Rs.3,13,768/- as their share in the misappropriated amount and this Court while granting bail to A1 and A2 had ordered the petitioners shall deposit a sum of Rs.1,58,542/- (Rupees One Lakh Fifty Eight thousand Five Hundred and Forty Two only) each to the society and they have also complied the condition imposed by this Court. As this petitioner the amount to be paid is Rs.9,07,266/-.

5. The learned counsel for the petitioner on instructions fairly submitted that the petitioner is ready and willing to pay the balance amount within one month from the date of her release.

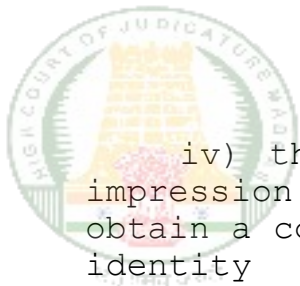
6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioner is ready and willing to pay the balance amount within one month from the date of her release and also the fact that the co-accused were granted bail by this Court this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

i) At the time of executing sureties the petitioner shall produce deposit receipt for a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the society without prejudice to her defence before the trial Court. The petitioner shall produce the proof of remittance /submission of the said amount to the learned Magistrate while executing sureties.

ii) On production of acknowledgment of the payment to the Society the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam.

iii) After executing sureties within 15 days the petitioner shall deposit another sum of Rs.3,00,000/- to the credit of the society and thereafter within another 15 days the petitioner shall deposit balance amount of Rs.3,07,266/- to the credit of the society. On failure of the petitioner to deposit the said amount, the bail granted shall stand cancelled automatically and the petitioner will have to surrender before the concerned Magistrate



iv) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

v) the petitioner shall report before the respondent police daily at 10.30 a.m until the entire amount is remitted before the Society.

vi) the petitioner shall not tamper with evidence or witness.

vii) the petitioner shall not abscond during trial.

viii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

ix) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

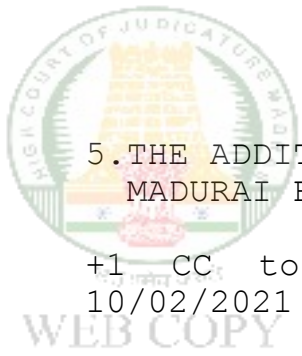
TO

1. THE JUDICIAL MAGISTRATE No.I,
KUMBAKONAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL JAIL PRISON FOR WOMEN, TRICHY.



5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.J.M.HASSANUL BAZARI, Advocate (SR-871[I] dated
10/02/2021)

ORDER

IN

CRL OP(MD) No.1970 of 2021

Date :10/02/2021

AAV

TK/VR/SAR.2/10.02.2021/4P/7C